

United States District Court
Southern District of Texas
FILED

AUG 27 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

UNITED STATES OF AMERICA

v.

Criminal No.

M-19-1623

JENNIFER CUTAIA
ALEJANDRO HERRERA

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SEALED INDICTMENT

THE GRAND JURY CHARGES:

Count One

From on or about April 18, 2018, to on or about November 5, 2018, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

JENNIFER CUTAIA
and
ALEJANDRO HERRERA

did knowingly and intentionally conspire and agree together and with other persons known and unknown to the Grand Jurors, to possess with intent to distribute a controlled substance. The controlled substance involved was 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A).

Count Two

From on or about April 18, 2018, to on or about April 22, 2018, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

and

did knowingly and intentionally possess with intent to distribute a controlled substance. The controlled substance involved was 5 kilograms or more, that is, approximately 25 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

Count Three

From on or about April 18, 2018, to on or about April 22, 2018, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

and

did knowingly and intentionally possess with intent to distribute a controlled substance. The controlled substance involved was 1 kilogram or more, that is, approximately 14 kilograms of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

Count Four

On or about October 3, 2018, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

**JENNIFER CUTAIA
and
ALEJANDRO HERRERA**

did knowingly and intentionally possess with intent to distribute a controlled substance. The

controlled substance involved was 5 kilograms or more, that is, approximately 22 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

Count Five

On or about November 5, 2018, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

did knowingly and intentionally possess with intent to distribute a controlled substance. The controlled substance involved was 5 kilograms or more, that is, approximately 30 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

NOTICE OF CRIMINAL FORFEITURE

21 U.S.C. § 853(a)

Pursuant to Title 21, United States Code, Section 853, upon conviction of an offense and as a result of the commission of a violation of Title 21, United States Code, Sections 841 or 846, conspiracy to possess with the intent to distribute narcotics and possession with the intent to distribute narcotics, as alleged in Counts One (1), Two (2), Three (3), Four (4) and Five (5) of this indictment, notice is given to the Defendants that they shall forfeit to the United States:

- (1) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses and

- (2) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense.

MONEY JUDGMENT AND SUBSTITUTE ASSETS

Defendants are notified that a money judgment may be imposed equal to the total value of the property subject to forfeiture.

If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL

FOREPERSON

RYAN K. PATRICK
UNITED STATES ATTORNEY



ASSISTANT UNITED STATES ATTORNEY